

TOWN OF WESTFIELD

COMMUNITY DEVELOPMENT DEPARTMENT

WESTFIELD-WASHINGTON TOWNSHIP
ADVISORY PLAN COMMISSION
BOARD OF ZONING APPEALS
ZONING ENFORCEMENT
BUILDING PERMITS

Meeting Date:	June 18, 2007
Docket Number:	0706-VS-014
Appellant:	Cindy Tripp
Property Address:	19540 Lamong Road
Special Exception Request:	<i>WC 16.04.100, 2bvii</i> Accessory structure not subordinate to principal structure

EXHIBITS

- | | |
|--|------------|
| 1. Staff Report | 06/18/2007 |
| 2. Aerial Location Map, Zoning Map & Existing Land Use Map | 06/18/2007 |
| 3. Property Card | 06/07/2007 |
| 4. Appellant's Application and Plans | 05/09/2007 |

RELATED CASES

- | | |
|-------------|--|
| 0706-SE-01 | Kennel in AG-SF1 – special exception request |
| 0706-VS-015 | Fence height – variance request |

VARIANCE OF STANDARD REQUEST

This variance of standard request is to allow the length and square footage of the accessory structures on the subject site to be greater than the length and square footage of the principal structure (*WC 16.04.100, 2bvii*). In this case, the principal structure would be the residential structure. Accessory structures would be any other permanent structure on the subject property (including the proposed kennel facility, 0706-SE-01).

PROPERTY INFORMATION

The subject property is currently approximately 11.68 acres in size (see Exhibit 3). The subject property is located on the west side of Lamong Road and is approximately 1,000 feet north of 193rd Street. The subject property is zoned AG-SF1. Currently, the property is being used as a single-family residence (see Exhibit 2).

The subject property is bounded on the north, south, east and west by agricultural uses. Adjacent properties to the northeast and southeast are residential in nature. Property on all sides is also zoned AG-SF1. The subject property does not fall within any of the Town's overlay districts.

PROPERTY HISTORY

There are no previous variances, special exceptions, development plans, subdivision plats, or rezoning cases on record for the subject property.

ANALYSIS

The chart below outlines the approximate dimensions of the existing structures that would remain and proposed structures that would be built on the subject site. Existing structures include the home, the horse barn, and a portion of the kennel structure. Proposed structures include an addition to the kennel structure and the new barn. The chart anticipates the dimensions of the complete kennel structure. The side of the structure that has the primary door is listed under the "Width" column.

Structure	Width	Length	Square Footage
Home (principal)	52'	26'8"	1,387
Kennel (accessory)	48'	137' (at longest point)	3,626
New Barn (accessory)	30'	44'	1,320
Horse Barn 1 (accessory)	12'	14'	168
Horse Barn 2 (accessory)	NA	NA	146
Shed (accessory)	NA	NA	432

As shown in the chart, the length of the kennel and the new barn each exceed the length of the principal structure. Additionally, the combined square footage of the accessory structures exceeds the square footage of the principal structure.

The Westfield-Washington Township Comprehensive Plan recommends that this area remain rural in character and use. It is identified as part of the "Rural Northwest and Northeast" component of the future land use plan.

FINDINGS

No variance of standard shall be granted unless the BZA finds all of the following to be true:

- a. **That the approval of such variance of development standard will not be injurious to the public health, safety, morals, and general welfare of the community:**

Findings: It is unlikely that the approval of the requested variance of standard would be injurious to the public health, safety, morals, and general welfare of the community. The size restrictions on accessory structures are intended to address aesthetic issues and, not public health and safety issues.

b. That the use and value of the area adjacent to the property included in the variance of development standard will not be affected in a substantially adverse manner:

Findings: It is unlikely that the approval of the requested variance of standard would affect adjacent properties in a substantially adverse manner. Given the surrounding area is primarily agricultural in nature, it is not uncommon for accessory structures to be larger than principal structures. The requested variance would allow for a development pattern that is consistent with the character of the neighboring area.

c. That the strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property:

Findings: The intent of development standards is to regulate and facilitate the development of permitted or approved uses for a given site. It is not the intent of development standards to prohibit or prevent the development of permitted or approved uses. If the Board approves 0706-SE-01 (special exception case allowing a kennel on the subject property), then the development standard in question would conflict with the ability to develop the use of a kennel on the subject property.

NOTE: If the Board does not determine ALL findings of fact in favor of the appellant, then it may not legally approve the variance request.

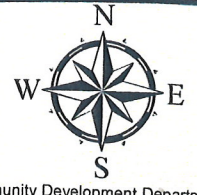
RECOMMENDED CONDITIONS

Should the Board approve this variance of standard request, the following conditions would be appropriate:

1. That no further building or expansion of accessory structures occur on the subject property; and,
2. That all conditions associated with special exception 0706-SE-01 and variance request 0706-VS-015 are binding on the subject property.



0706-SE-01, 0706-VS-014, 0706-VS-015
08-05-29-00-00-010-000
19540 Lamong Rd
Exhibit 2



Community Development Department

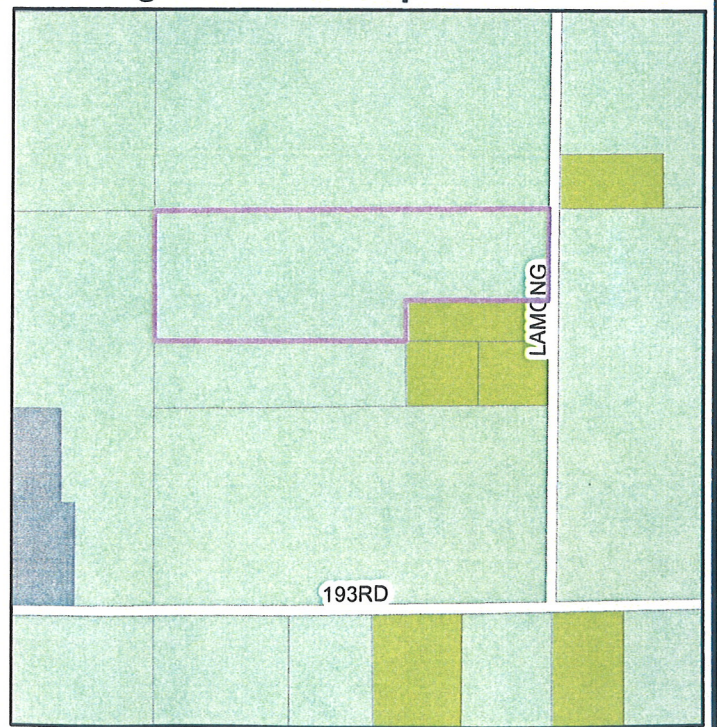
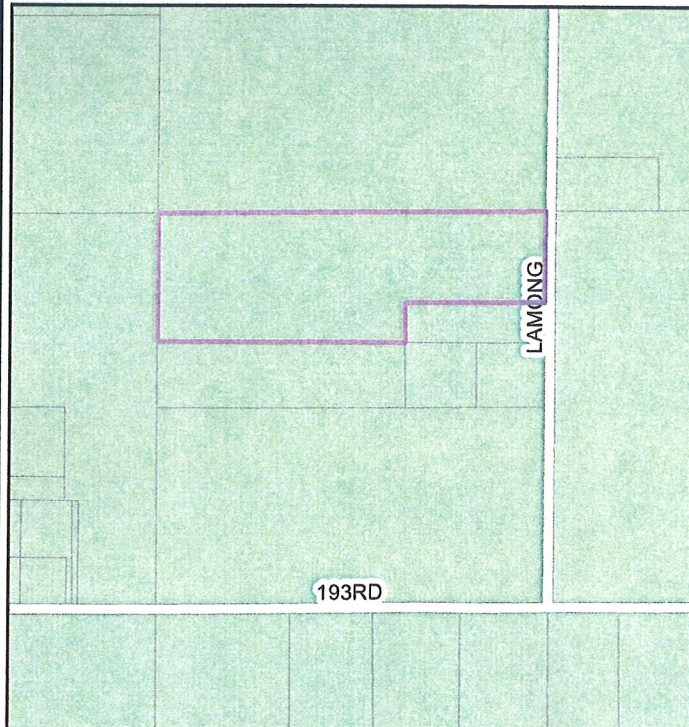
Aerial Location Map

Site



Zoning Map

Existing Land Use Map



Agriculture Single Family 1

Agriculture
Residential Non-urban
Industrial

EXHIBIT 3**co. HAMILTON.in.us**

Official government site of Hamilton County, Indiana

Online Se

Property Card Report**1. report type**

Reset

2. property search

new search

3. view reports

general parcel info.

spring tax statement

tax payments

property card

fall tax statement

Disclaimer:

This program allows you to view and print certain public records. **Each report reflects information as of a specific date;** so the information different reports may not match. All information has been derived from public records that are constantly undergoing change and is not warranted for accuracy. It may not reflect the current information pertaining to the property of interest.

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Any, and all information contained on this web site report is the result of assessment data extracted on the most recent taxable year - **March 1, 2006**. Improvement characteristics may differ from those used to determine the total assessed value listed.

Summary Information - Parcel Number: 08-05-29-00-00-010.000**Property Data**

Parcel Location	19540 LAMONG ROAD, SHERIDAN
Taxing Unit	Washington
Legal Description	244-196 AUD 10/20/80 FR RASOR 323-110
Section/Township/Range	S29 T19 R03
Subdivision Name	NULL
Lot and Block	Lot Block
Acres	11.68
Effective Frontage	
Effective Depth	
Property Class	Cash Grain/General Farm

Exterior Features and Out Buildings

1 Mobile Home, 1 Miscellaneous, 1 Pool, 2 Barn,
2 Masonry Stoop, 1 Roof Extension Canopy, 2 Wood Deck,

Property Owner as of April 29, 2006

Cynthia Tripp

Most Recent Valuation as of March 1, 2005

Assessed Value: Land	39200
Assessed Value: Improvements	75900
Total Assessed Value:	115100

Building 1, Card ID R01**Physical Characteristics**

Story Height	1.0
Attic	none
Basement	none
Crawl	none
Year Built	1997

Floor Construction**Floor Finish****Exterior Cover****Interior Finish****Accommodations**

Finished Rooms	5
Bedrooms	3

Heating and Air Conditioning

Primary Heat	YES
Air Conditioning	YES

Plumbing

Full Baths	2
Partial Baths	0

Fireplace

Fireplace Stacks	NO
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Basement Rec Room

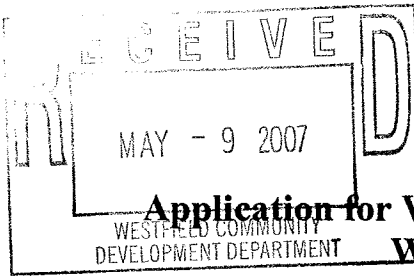
Rec Room Type	
Rec Room Square Footage	0

Area/Square Footage (based on exterior eave to eave area)

Building Level	Base Area	Approx. Area
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Garage

Garage Type



Petition Number: 0706-VS-014
Date of Filing: 05/09/07

Application for VARIANCE OF DEVELOPMENT STANDARD

**Westfield – Washington Township
Board of Zoning Appeals (BZA)**

This application must be completed and filed with the Community Services Department of the Town of Westfield, Indiana in accordance with the meeting schedule.

1. Appellant's Name Cindy Tripp
Address 19540 Lamong Road
Sheridan, IN 46069
Telephone Number (317) 896-3846
E-Mail Address CAT3846 @ Verizon.net
2. Landowner's Name SAA
Address _____
Telephone Number _____
3. *Representative SAA
*Address _____
*Telephone Number _____
*Email Address _____

*If the applicant is not presenting a petition, please provide contact information for the party representing the applicant.

4. Common description of property (address, location, etc.)
19540 Lamong Road, Sheridan IN 46069
Plot # 08-05-29-00-00-010.000
5. Legal description of property (list below or attach)
Please See attached
6. Complete description of the nature of the development standard variance applied for:
WC 16.04.100 2.b.vii. For accessory buildings
larger than principal building

7. **ALL SITE PLANS SHALL BE LEGIBLE AND DRAWN TO SCALE.** Site plans must accompany this application and must depict at a minimum:

- a. Lot(s) shape and dimensions;
- b. Location and dimensions of existing and proposed structures;
- c. Location and dimensions of existing and proposed points of ingress and egress; and
- d. All topographic and natural features and/or other unusual characteristics associated with the property.

8. The Applicant must address the following criteria and establish at the public hearing that each of the following is true in order to obtain a favorable determination from the BZA.

No variance of development standard shall be granted unless the BZA finds all of the following to be true:

- a. That the approval of such variance of development standard will not be injurious to the public health, safety, morals, and general welfare of the community:

Adding a garage will not be injurious to
the public health, safety, morals and general
welfare of the community.

- b. That the use and value of the area adjacent to the property included in the variance of development standard will not be affected in a substantially adverse manner:

The use and value of adjacent properties
will not be affected by the garage.

- c. That the strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property:

It will result in practical difficulties in the
use of the subject property, because it will allow
more things to be stored inside, instead of
out side, which will improve the look of
the grounds. (Ex. Tractors, equipment, etc.)

TOWN OF WESTFIELD, INDIANA

The Appellant hereby certifies that the information contained in and accompanying this application is true and correct.

Cindy Dugg
Applicant

SUBSCRIBED AND SWORN TO ME THIS 5th DAY OF May, 2007.

Patricia J. Reuber
Notary Public

My commission expires: 3/13/08

Legal Description

Exhibit A

**In Re: Cynthia Tripp
19540 Lamong Road
Sheridan, Indiana, 46069**

A PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 19 NORTH, RANGE 3 EAST, IN WASHINGTON TOWNSHIP, HAMILTON COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 19 NORTH, RANGE 3 EAST, THENCE SOUTH 89 DEGREES 22 MINUTES 33 SECONDS WEST OVER AND ALONG THE NORTH LINE OF SAID QUARTER QUARTER A DISTANCE OF 1331.11 FEET TO A POINT WHICH IS THE NORTHWEST CORNER OF SAID QUARTER QUARTER, THENCE SOUTH 00 DEGREES 39 MINUTES 45 SECONDS EAST ON AND ALONG THE WEST LINE OF SAID QUARTER QUARTER A DISTANCE OF 654.60 FEET TO A POINT WHICH IS 4.6 FEET NORTH OF AN EXISTING WIRE FENCE, THENCE NORTH 89 DEGREES 22 MINUTES 30 SECONDS EAST AND PARALLEL TO THE NORTH LINE OF SAID QUARTER QUARTER A DISTANCE OF 1330.68 FEET TO A POINT ON THE EAST LINE OF SAID QUARTER QUARTER WHICH IS 1.1 FEET SOUTH OF AN EXISTING WIRE FENCE, THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST ON AND ALONG THE EAST LINE OF SAID QUARTER QUARTER A DISTANCE OF 654.60 FEET TO A POINT, SAID POINT BEING THE PLACE OF BEGINNING AND CONTAINING 20.00 ACRES

EXCEPT THE FOLLOWING

BEGINNING AT A POINT ON THE EAST LINE OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 19 NORTH, RANGE 3 EAST, SAID POINT BEING SOUTH 00 DEGREES 00 MINUTES 00 SECONDS EAST (ASSUMED BEARING) A DISTANCE OF 304.46 FEET FROM THE NORTHEAST CORNER OF SAID QUARTER QUARTER, THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS (ASSUMED BEARING) ON AND ALONG SAID EAST LINE A DISTANCE OF 132.00 FEET, THENCE SOUTH 89 DEGREES 22 MINUTES 30 SECONDS WEST AND PARALLEL TO THE NORTH LINE OF SAID QUARTER QUARTER A DISTANCE OF 495.00 FEET, THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST AND PARALLEL TO THE EAST LINE OF SAID QUARTER QUARTER A DISTANCE OF 132.00 FEET, THENCE NORTH 89 DEGREES 22 MINUTES 30 SECONDS EAST AND PARALLEL TO THE NORTH LINE OF SAID QUARTER QUARTER A DISTANCE OF 495.00 FEET TO A POINT, SAID POINT BEING THE PLACE OF BEGINNING AND CONTAINING 1.500 ACRES

ALSO EXCEPT:

PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 19 NORTH, RANGE 3 EAST IN WASHINGTON TOWNSHIP, HAMILTON COUNTY, INDIANA, DESCRIBED AS FOLLOWS: BEGINNING ON THE EAST LINE OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 19 NORTH, RANGE 3 EAST 436.46 FEET SOUTH 00 DEGREES 00 MINUTES 00 SECONDS (ASSUMED BEARING) FROM THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER; THENCE SOUTH 89 DEGREES 22 MINUTES 33 SECONDS WEST PARALLEL WITH THE NORTH LINE OF SAID NORTHEAST QUARTER 231.00 FEET; THENCE SOUTH 00 DEGREES 00 MINUTES 33 SECONDS PARALLEL WITH SAID EAST LINE 218.14 FEET; THENCE NORTH 89 DEGREES 22 MINUTES 33 SECONDS EAST PARALLEL WITH SAID NORTH LINE 231.00 FEET TO THE EAST LINE OF SAID NORTHEAST QUARTER; THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS ON SAID EAST LINE 218.14 FEET TO THE PLACE OF BEGINNING

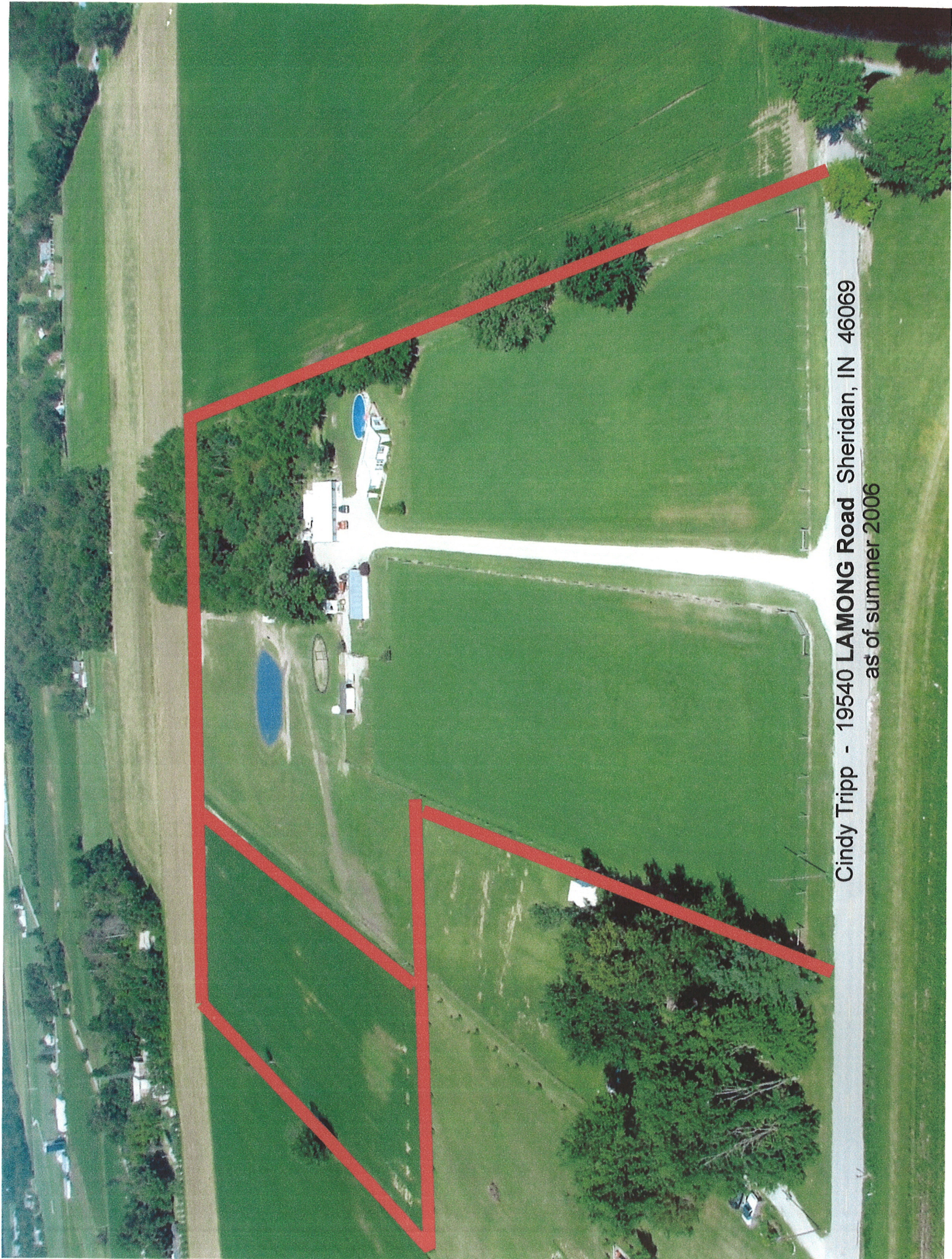
ALSO EXCEPT

COMMENCING AT THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 19 NORTH, RANGE 3 EAST; THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS (ASSUMED BEARING) 436.46 FEET ON AND ALONG THE EAST LINE OF SAID NORTHEAST QUARTER; THENCE SOUTH 89 DEGREES 22 MINUTES 33 SECONDS WEST 231.00 FEET PARALLEL WITH THE NORTH LINE OF SAID NORTHEAST QUARTER TO THE NORTHWEST CORNER OF A 1.156 ACRE TRACT OF REAL ESTATE DESCRIBED IN DEED RECORD 338, PAGE 807 (THE NORTHWEST CORNER OF SAID 1.156 ACRE TRACT ALSO BEING THE POINT OF BEGINNING OF THIS DESCRIPTION); THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS 218.14 FEET PARALLEL WITH THE EAST LINE OF SAID NORTHEAST QUARTER TO THE SOUTHWEST CORNER OF SAID 1.156 ACRE TRACT; THENCE SOUTH 89 DEGREES 22 MINUTES 33 SECONDS WEST 264.00 FEET PARALLEL WITH THE NORTH LINE OF SAID NORTHEAST QUARTER; THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS 218.14 FEET PARALLEL WITH THE EAST LINE OF SAID NORTHEAST QUARTER; THENCE NORTH 89 DEGREES 22 MINUTES 33 SECONDS EAST 264.00 FEET TO THE POINT OF BEGINNING

ALSO EXCEPT

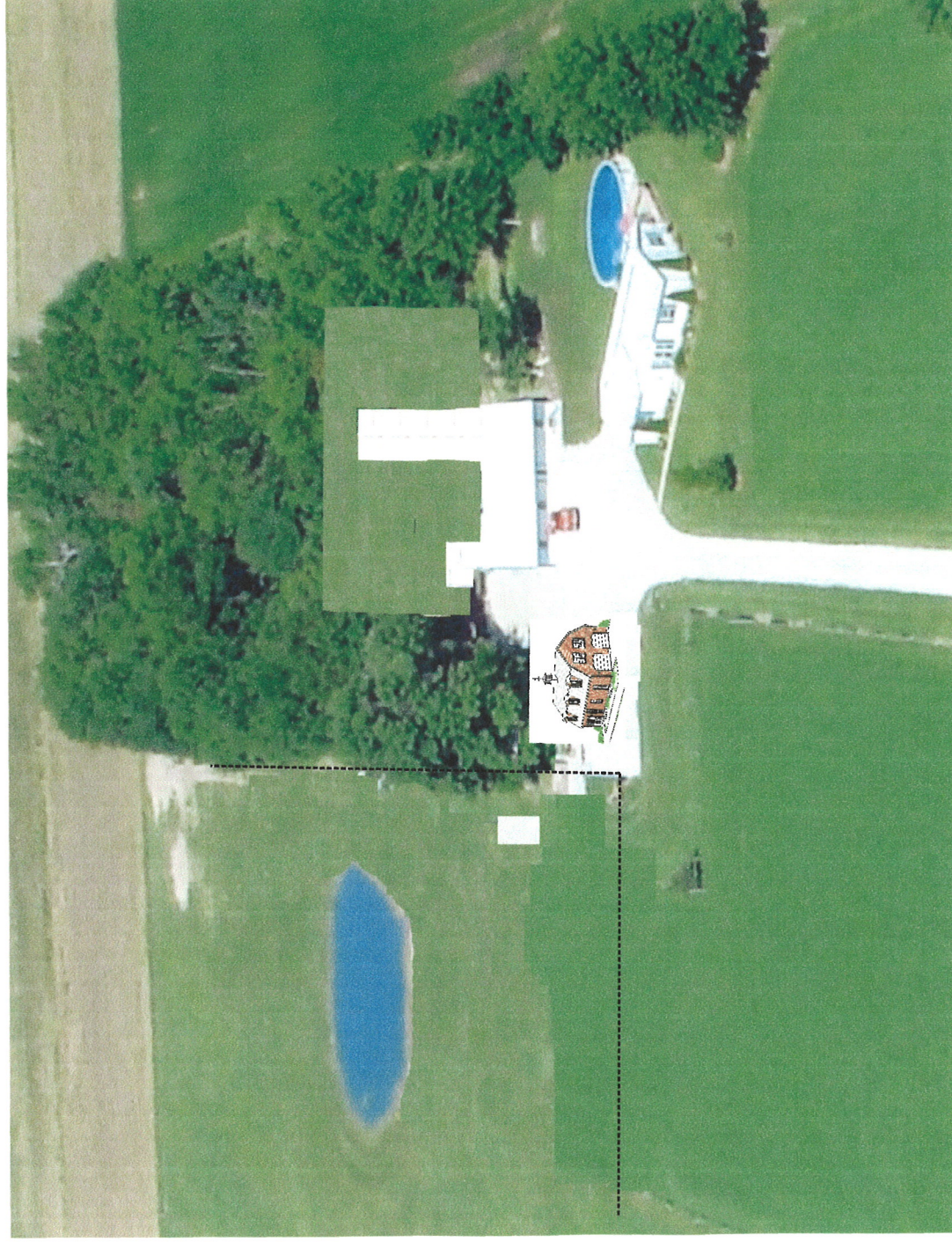
A PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 19 NORTH, RANGE 3 EAST, IN WASHINGTON TOWNSHIP, HAMILTON COUNTY, INDIANA, BEING DESCRIBED AS FOLLOWS:

COMMENCING AT THE 5/8" ROD AT THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 19 NORTH, RANGE 3 EAST; THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS (ASSUMED BEARING) 654.60 FEET ON AND ALONG THE EAST LINE OF SAID NORTHEAST QUARTER; THENCE SOUTH 89 DEGREES 19 MINUTES 59 SECONDS WEST 495.00 FEET PARALLEL WITH THE NORTH LINE OF SAID NORTHEAST QUARTER TO AN 5/8" IRON ROD WITH YELLOW CAP STAMPED MILLER SURVEYING AT THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE SOUTH 89 DEGREES 18 MINUTES 59 SECONDS WEST 829.46 FEET PARALLEL WITH THE NORTH LINE OF SAID NORTHEAST QUARTER TO AN 5/8" IRON ROD WITH YELLOW CAP STAMPED MILLER SURVEYING ON THE WEST LINE OF THE NORTHEAST QUARTER OF SAID NORTHEAST QUARTER; THENCE NORTH 00 DEGREES 01 MINUTES 23 SECONDS WEST 238.66 FEET ON AND ALONG THE WEST LINE OF SAID NORTHEAST QUARTER OF THE NORTHEAST QUARTER TO AN 5/8" IRON ROD WITH YELLOW CAP STAMPED MILLER SURVEYING; THENCE SOUTH 89 DEGREES 09 MINUTES 44 SECONDS EAST 829.59 FEET TO AN 5/8" IRON ROD WITH YELLOW CAP STAMPED MILLER SURVEYING; THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS 216.64 FEET TO THE POINT OF BEGINNING, CONTAINING 4.335 ACRES, MORE OR LESS



Cindy Tripp - 19540 LAMONG Road Sheridan, IN 46069
as of summer 2006

Cindy Tripp - 19540 Lamong Road, Sheridan (317) 710-1269



Would like to:

1. Tear down current garage/barn
2. Build a new garage/barn that is 30'x40'
3. Add on to current building;
 - A. Dog kennel building that is 14'x101'
 - B. Grooming building that is 20'x20'
 - C. With chain link fence surrounding it.
4. Move current 12'x14' - 2 stall horse barn back further and put new fence up.



Cindy Tripp - 19540 LAMONG Road Sheridan, IN 46069
as of summer 2006

